

EPA Standard Operating Procedures
The Handling of Third Party Data
Pertinent to Non-Compliant ENERGY STAR Labeled Products in the Market

Definitions:

ENERGY STAR labeled RLF: ENERGY STAR labeled Residential Lighting Fixtures.

Third Party Data: Any written data indicating possible violation of ENERGY STAR logo use and/or performance criteria for ENERGY STAR qualified products.

Third Party: Any organization other than EPA, DOE, or one of their contractors. Third parties include utilities, energy efficiency programs, energy efficiency program administrators, manufacturers, retailers, PEARL, and individuals.

PEARL: Program for the Evaluation and Analysis of Residential Lighting, an independent organization in alliance with the EPA, focuses on the performance of ENERGY STAR labeled Residential Light Fixtures (RLF) and Compact Fluorescent Lamps (CFLs).

Standard Operating Procedures:

Receipt of Data and Preliminary Review:

- ICF receives test report results on randomly selected ENERGY STAR labeled RLF products from EPA or directly from a third party source (e.g. PEARL).
- ICF determines if product model is on the ENERGY STAR Qualified Products List.
- ICF determines if the product is qualified under Version 2.1 or Version 3.1 of the specification.
- ICF reviews this data and identifies performance characteristics for which ENERGY STAR standards are not being met.
- This preliminary review process will be completed within 10 business days from the time data is received proving non-compliance of the product.

Procedure for Products Currently **Listed on ENERGY STAR Qualified Products List:**

- Review and compare the third party data or test results with product information already submitted by the ENERGY STAR manufacturer.
- ICF develops a summary of non-compliance issues for internal ICF/EPA review.
- If test lab information was received from PEARL, contact Noah Horowitz at PEARL to determine if the manufacturer has been informed of the results.
- If the information came from third party source, contact the source to determine whether the manufacturer has been contacted and informed of the non-compliance issues and any applicable test results.
- ICF obtains clarification on the data, test results, and testing methods from PEARL, or the third party source, if necessary.
- EPA, via FedEx, contacts the manufacturer in writing to communicate the identified discrepancy, and requests that **additional** proof of product qualification (re-test product and provide **additional** lab test reports) be submitted within one month (30 days) from the date of receipt of the EPA letter of notification. This deadline will be a progress report deadline for tests that take more than thirty days, such as lamp life testing. This formal notification also states the following:
 - ENERGY STAR is a registered mark that can only be associated with products that meet ENERGY STAR Program Requirements.

- Manufacturer must remove the ENERGY STAR label from all product/packaging, Internet site, and/or product literature for all labeled non-compliant products that have not been shipped to distribution or retail market. On a case-by-case basis, EPA determines how to address the labeling issue for non-compliant products that are already in distribution.
- A written reply from the manufacturer indicating its corrective action plan is required.
- The additional product information and testing documentation submitted by the partner is reviewed for compliance by ICF within 5 business days from the date of receipt of documentation. ***In the event that significant concerns remain, products are de-listed for six months so the partner can make necessary improvements to the products.*** Partner is notified of this de-listing via written notification sent FedEx.
- After the six-month period is completed, partner may resubmit products for ENERGY STAR re-qualification.
- If the partner fails to follow through the corrective action plan as agreed, products will be removed from the ENERGY STAR Web site indefinitely.
- Partners whose products are repeatedly found to be in violation of the specification will be terminated from the ENERGY STAR program.

Procedure for ENERGY STAR Manufacturer's Products **NOT Listed** on ENERGY STAR Qualified Products List:

- Determine if the manufacturer has signed a Partnership Agreement (PA) to participate in ENERGY STAR.
- If manufacturer IS an existing partner, but qualified product information has NOT been submitted:
 - ICF identifies the discrepancy, and develops a summary of non-compliance issues for internal review.
 - ICF obtains clarification on the test results and testing methods from PEARL, or the third party source, if necessary.
 - EPA, via FedEx, contacts the manufacturer in writing to communicate the identified discrepancy, and requests that proof of product qualification (lab test reports) be submitted within one month (30 days) from the date of receipt of the EPA letter of notification. This formal notification also states the following:
 - Reference to the RLF Program Requirements indicating that products must meet the Eligibility Criteria of the Requirements to bear the ENERGY STAR label.
 - ENERGY STAR is a registered mark that can only be associated with products that meet ENERGY STAR Program Requirements.
 - Manufacturer is required to remove the ENERGY STAR label from all product/packaging, Internet site, and/or product literature for all labeled non-compliant products that have not been shipped to distribution or retail market. (On a case-by-case basis, EPA determines how to address the labeling issue for non-compliant products that are already in distribution.)
 - A written reply from the manufacturer indicating its corrective action plan is required.
- ICF receives testing data and documentation from the partner and reviews it within 5 business days from the date of receipt of documentation. If test results prove that products are compliant, add them to the ENERGY STAR Web list. In the case products are found non-compliant, contact the partner via e-mail, indicate where the product fails to meet the performance requirements, and remind the partner that the ENERGY STAR label cannot be used until the partner receives written confirmation from EPA that the product is qualified for ENERGY STAR.

- In six months, if the partner still continues to label non-compliant products, EPA will take appropriate action to terminate the ENERGY STAR partnership with the manufacturer.

Procedure for **NON-ENERGY STAR** Manufacturer's Products **NOT Listed** on ENERGY STAR Qualified Product List:

- If the manufacturer is NOT an existing partner, yet has labeled products in the market:
 - ICF identifies and develops a summary of non-compliance issues for internal review.
 - ICF obtains clarification on the data, test results, and testing methods from PEARL or the third party source, if necessary.
 - EPA, via a formal letter of notification, contacts the manufacturer whose products failed to meet the ENERGY STAR Program Requirements and Logo Use Guidelines. Indicate to the manufacturer that they must first become an ENERGY STAR partner by signing the PA and then qualify products, and request that qualifying product information (lab test reports) be submitted within one month (30 days) from the date of receipt of this EPA letter. The formal notification also states the following:
 - The manufacturer must submit, in writing, an explanation to EPA on the identified non-compliance issues, and its corrective action plan.
 - ENERGY STAR is a registered mark that can only be associated with products that meet ENERGY STAR Program Requirements.
 - Manufacturer must remove the ENERGY STAR label from all product/packaging, Internet site, and/or product literature for all labeled non-compliant products that have AND have not been shipped to distribution or retail market.
 - Benefits to joining ENERGY STAR.
 - ICF receives test data and documentation, and reviews the data within 5 business days from the date of receipt of documentation.
 - If test results prove that products are compliant, first make sure the manufacturer signed the PA, and then add products to the ENERGY STAR Web list.
 - In the case products are found non-compliant, contact the partner via e-mail, indicate where the product fails to meet the performance requirements and remind that the ENERGY STAR label cannot be used until the manufacturer joins ENERGY STAR, and receives written confirmation from EPA that the product is qualified for ENERGY STAR.
- In six months, if the manufacturer still continues to label non-compliant products EPA will take suitable action.